

BEFORE THE SOUTH CAROLINA STATE BOARD OF EDUCATION

In the Matter of the Suspension)	
)	
of the Educator Certificate of)	ORDER OF SUSPENSION
)	
David L. Watson,)	(BREACH OF CONTRACT)
)	
<u>Certificate 213499</u>)	

SUMMARY OF THE CASE

The South Carolina State Board of Education (State Board) considered this matter on November 8, 2016. On September 30, 2016, the South Carolina Department of Education (SCDE) served David L. Watson a notice of his right to a hearing regarding the possible suspension of his South Carolina educator certificate, by regular and certified mail, return receipt requested, delivery restricted to addressee. Mr. Watson received the notice on October 6, 2016, as evidenced by the signed postal receipt bearing his signature. Mr. Watson has not contacted the SCDE to request a hearing and is now in default. After considering the evidence presented, the State Board voted to suspend Mr. Watson's educator certificate for a period of one year, commencing on November 8, 2016, and ending on November 7, 2017.

FINDINGS OF FACT

This case concerns a formal complaint by the Anderson County School District Five (District) recommending the suspension of the educator certificate of David L. Watson for breach of contract. The State Board has jurisdiction in this matter, pursuant to S.C. Code Ann. § 59-25-150 (Rev. 2004) and S.C. Code Ann § 59-25-530 (Rev. 2004).

Mr. Watson holds a South Carolina educator certificate and has fourteen years of teaching experience. Mr. Watson signed a Contractual Agreement with the District to serve as a teacher at for the 2016-2017 school year. On Sunday, August 21, 2016, Mr. Watson notified his principal that he was resigning from the District and would not be reporting to Robert Anderson Middle School on Monday, August 22, 2016. Mr. Watson was informed orally and in writing that his resignation would not be accepted unless the District could find a suitable replacement. Mr. Watson did not submit his resignation thirty days prior to his requested release date in accordance with District policy GCQC/GCQD. On September 1, 2016, the District informed Mr.

Watson that he was not duly released from his contract and that a formal complaint would be filed with the State Board. On September 22, 2016, the District reported this matter to SCDE, requesting that the State Board take disciplinary action on Mr. Watson's educator certificate.

On September 30, 2016, the SCDE served Mr. Watson with a notice of his right to a hearing regarding the possible suspension of his South Carolina educator certificate, by regular and certified mail, return receipt requested, delivery restricted to addressee. Mr. Watson received the notice on October 6, 2016, as evidenced by the signed postal receipt bearing his signature. Mr. Watson did not contact the SCDE to request a hearing and is now in default. After considering the evidence presented, the State Board voted to suspend Mr. Watson's educator certificate for a period of one year, commencing on November 8, 2016, and ending on November 7, 2017.

CONCLUSIONS OF LAW

"The State Board of Education may, for just cause, either revoke or suspend the certificate of any person." S.C. Code Ann. § 59-25-150 (Rev. 2004). Just cause includes, *inter alia*, "willful violation of the rules and regulations of the State Board of Education" and "unprofessional conduct." S.C. Code Ann. § 59-25-160 (3) and (4) (Rev. 2004). Pursuant to S.C. Code Ann. § 59-25-530 (Rev. 2004), "any teacher who fails to comply with the provisions of his contract without the written consent of the school board shall be deemed guilty of unprofessional conduct." 24 S.C. Code Ann. Regs. 43-58 (2) and (14) (2011), provide that the State Board of Education has the legal authority, *inter alia*, to suspend a certificate for "wilful neglect of duty" and "failure to comply with the provisions of a contract without the written consent of the local school board." The State Board finds that the evidence presented demonstrates that Mr. Watson breached his contract and engaged in unprofessional conduct, willfully neglected his duty, and failed to comply with the provisions of his contract without the written consent of the District.

The evidence presented further supports the State Board's determination that just cause exists to suspend the educator certificate of David L. Watson, certificate 213499, for a period of one year, commencing on November 8, 2016, and ending on November 7, 2017. If Mr. Watson wishes to have his educator certificate reinstated at the end of the suspension period, he shall make a written request to the SCDE's Office of Educator Services, and shall meet all

certification requirements in effect at the time he requests reinstatement. Mr. Watson shall also pay the applicable reinstatement fee. The suspension of David L. Watson, educator certificate 213499, shall be reported to the NASDTEC Clearinghouse and all South Carolina school districts within thirty days from the date of this order.

AND IT IS SO ORDERED.

South Carolina State Board of Education

By: 

Michael R. Brennan, Chair

Columbia, South Carolina

November 8, 2016